

TRIBAL/FOREST SERVICE MOU ANNUAL MEETING DRAFT MINUTES

**LAC VIEUX DESERT
OCTOBER 3, 2012
1 P.M. - 4 P.M.**

I. OPENING DRUM/PIPE.

The meeting began with a drum and pipe ceremony. A prayer was said.

II. WELCOME AND INTRODUCTIONS.

Mic Isham, Chairman of the GLIFWC Board of Commissioners and Voigt Task Force Vice-Chairman, welcomed everyone to the meeting on behalf of all the tribes the Task Force represents. He explained that Tom Maulson has not yet arrived due to winning his tribal election yesterday. Mic stated that he was proud of the relationship GLIFWC has with the US Forest Service. He stated that there is a lot of respect between the two agencies, and although there is not always total agreement on every issue, the agencies have a mutual respect a willingness to work together on issues. Mic stated that he was very proud of the MOU and the way it works. Introductions were made around the table.

Attendance:

Voigt Intertribal Task Force: Mic Isham, James Schlender, Jr (LCO), Ervin Soulier (Bad River), Chris McGeshick (Mole Lake), Tom Maulson (LDF), Scott Smith (LDF).

GLIFWC: James Zorn, Ann McCammon Soltis, Kekek Jason Stark, Jonathan Gilbert, Neil Kmiecik, Alexander Wrobel, Jim Thannum, Gerald DePerry, Rose Wilmer, John Coleman, Heather Naigus.

USFS: Mary V. King (Special Agent-in-Charge), Mary A. Doke (Huron-Manistee National Forest), Jim A. Thompson (Huron-Manistee National Forest), Mary Rasmussen (Tribal Liaison), Jo Reyer (Hiawatha National Forest), Owen Martin (Chequamegon-Nicolet National Forest), Tom Schmidt (NRS), Tony Scardina (Ottawa National Forest), Paul

Strong (Chequamegon-Nicolet National Forest), Mary Beth Borst (Deputy Regional Forester), Larry Heady (FS Eastern Region), Steve Kickert (Ottawa National Forest).

III. APPROVAL OF AGENDA.

Bad River made a number of suggestions for additional agenda items. They included:

- Biomass projection modeling. This was placed under item V.1.E. on the agenda.
- Mineral exploration. Already an agenda item.
- Deer habitat/special land use project. This was placed under item V.1.A.2.
- National Forest Book on Native American and Alaska Native Relations. The Forest Service will provide a copy of this book to Bad River as well as a few to the Commission to keep on hand. *12/12/12 update – an web link to this document was provided to Erv Soulier. The document is out of print but available online: <http://www.fs.fed.us/people/tribal/>*
- Disease control issues. This was discussed informally with regard to whether a quarantine area in Bayfield County exists for gypsy moth. GLIFWC and Forest Service staff were unaware of one, but will check into the issue.

IV. OPENING REMARKS FROM TRIBAL AND FOREST SERVICE REPRESENTATIVES.

Chris McGeshick, Vice-Chairman of the GLIFWC Board of Commissioners stated that this was the 3rd or 4th meeting he has been able to attend and he looks forward to discussing the many issues on today's agenda. He agreed with Mic that even though the agencies don't always agree on everything, it has always been a pleasure sitting at the table together and hopefully today we can come to a consensus on a number of issues. Chris stated that we are all good people here with good intentions; the tribal representatives are always looking out for the interests of the tribal membership and the tribes' interests within the national forests. Chris stated that he is glad to be here, and is glad to see everyone here today, and wished everyone safe travels home after the meeting.

Mary Beth Borst, Deputy Regional Forester stated that she is here representing the regional forester and temporarily replaces Chuck Myers who recently retired. Mary Beth stated that it is an honor to be here and that she is really excited about the MOU and the opportunity it provides for the agencies to work in partnership. She stated that it's great to hear the positive feelings in the room today and she looks forward to engaging with this group into the future.

Paul Strong, Chequamegon Nicolet National Forest stated that the behaviors that we model and the outcomes that we get to really influence much beyond just what happens here with GLIFWC. Paul finds himself looking back at this when he is dealing with other groups and other bodies all across the US and, as Mic alluded to in his comments, there's something really right about this, and he has used what he has learned here in many other places. The influence from this is bigger than just what we're doing here in the Great Lakes States and it's just an honor to be here.

Mary King, Special Agent-in-Charge for the Eastern Region thanked the GLIFWC tribes for coming out and assisting with the DTO (Drug Trafficking Organization) joint operation that happened at Lakewood, WI this past summer. Mary stated that she looks forward to setting up some joint law enforcement training this year and also some continued joint operations with GLIFWC officers.

Jim Zorn, GLIFWC Executive Administrator stated that he really appreciates the good staff-to-staff working relationships. Jim feels that whatever issues may come up, he can always trust that GLIFWC staff and USFS staff does their best to really implement the MOU the way it's intended to be implemented. Also, Jim feels that the recent ceremonial elk hunt that took place in the Chequamegon National Forest was really indicative of the respect that we sense from the Forest Service towards the tribes and their treaty-reserved rights. The positive response that we got from the Forest Service was very different than what we received from other agencies that we deal with, and Jim feels it's an example of the understanding and respect and the honor that this MOU is really based upon. Jim extend thanks, on behalf of the staff, to the Forest Service and their staff for the way in which they conduct their business with the tribes.

Tom Maulson arrived and apologized for being late; he has been busy with LDF's tribal election. Tom stated that he was happy to be able to attend today's meeting. He feels that the good things that are accomplished at these meetings need to continue, as well as the MOU, and Tom wants the parties to continue to work together and looks forward to today's discussions.

V. MEETING MINUTES.

A. 2011 Annual Meeting

The parties were informed that the 2011 meeting minutes were approved by the Voigt Intertribal Task Force on January 5, 2012. A copy is included in the green binders.

B. 2012 Annual Meeting

The parties were informed that the 2012 meeting minutes will be taken by GLIFWC. It was also explained that the draft meeting notes will be available for initial review by the Voigt Intertribal Task Force and the US Forest Service in

December 2012, and finalized at the January 2013 Voigt Intertribal Task Force meeting.

VI. REVIEW AND DISCUSSION OF SPECIFIC AGREEMENTS TO IMPLEMENT THE GOVERNMENT-TO GOVERNMENT RELATIONSHIP BETWEEN THE MOU TRIBES AND THE FOREST SERVICE [MOU SECTION VI].

A. MOU Administration and Implementation [MOU Section VI.A].

1. Public Comments Received by Forest Service Prior to Annual Meeting.

Mary Rasmussen stated that no comments were received this year. She stated that the Forest Service has an open and continuous opportunity for the public to comment on the Forest Service website. She informed the parties that the MOU is on the website, as well as its annual meeting notes from past years, campground use and other documents, as well as a variety of reports.

2. Issue identification and Resolution – Discuss appropriate and effective procedures for resolving on-going problems/projects that may involve only one Tribe and one Forest.

a. Referrals to a TWG (Larry Heady)

Discussion around this item focused on the role and composition of the TWG as well as the need to communicate early and often where there is uncertainty about who should be involved in a particular issue. The Forest Service should feel free to contact GLIFWC staff and/or each tribe's designated MOU representative or VTF member when questions arise. It was noted that the TWG may be able to address some issues, but that not all issues would be appropriate for a TWG. Also discussed was whether the TWG should remain a standing group with core members or evolve with different members as the number/type of issues increase, and if the group should consist primarily of biologists or policy people.

Further discussion addressed the difference between recurring issues that still need resolution that affect several tribes such as road closings, as opposed to issues that only pertain to a certain tribe/tribes, such as the Black River Harbor issue or the deer habitat issue, and who best to contact in those occasions. Also discussed was the overlap that sometimes occur with on-reservation and off-reservation issues.

Deer issue was moved to TWG section.

3. MOU Training, including Consultation and NEPA – training for NEPA works. (Larry Heady and Jonathan Gilbert)

Forest Service and GLIFWC staff agreed to work on this training over the next year. Participants thought the training would be helpful in introducing the MOU to new Forest Service staff, discuss consultation issues and how they may or may not play into a NEPA process.

It was agreed that people involved with NEPA documents need to have some training on the MOU and the Forest Service's responsibility under the MOU when preparing NEPA documents. Larry agreed that when new people come to the Forest Service, or transfer to this area of the Forest Service, they not only understand their responsibilities under the MOU but also understand their responsibilities with consultation in general. Larry Heady stated that, on the other side of the equation, the Forest Service can provide information on the NEPA process to GLIFWC staff or tribal staff as well.

Ann McCammon Soltis agreed with Larry about making sure this training is clear that NEPA is not the only way to communicate with tribes, and that NEPA is not somehow a substitute for consulting with tribes individually. Larry agreed and reiterated that it's the Forest Services' duty to consult with the tribes and that it is not NEPA-driven; it's trust responsibility-driven.

B. Law Enforcement [MOU Section VI.E].

Forest Service and GLIFWC enforcement personnel will report on implementation/enforcement of tribal national forest gathering codes and on cooperative/coordinated law enforcement efforts.

Tom Maulson and Mary King briefly discussed possible educational opportunities for tribal youth in Law Enforcement careers. Mary King explained the STEP/SCEP Program, a two-year law enforcement training program and the Forest Services' recruitment efforts of Native American Groups.

1. Youth Outreach/Camp Nesbit Presentation (Heather Naigus and Steve Kickert)

Heather gave a PowerPoint presentation on camp this year. It was very successful and is attracting more kids every year. All present were enthusiastic about the camp and the opportunities it provides. Jim Zorn noted that the cost of the camp is becoming an issue that will need to be

addressed. He also stressed the need to document success and how the kids benefitted from the camp. There was also discussion about expanding the camp to other reservations. GLIFWC's capacity to run the camp was discussed and the Forest Service pledged to work with GLIFWC staff to assist.

Some of the highlights featured in the Power Point presentation included

- 43 kids this year, 5-8th graders, plus 5 junior councilors, who are older kids who have been through camp and act as mentors;
- Career Resources Day, which focused on natural resources career exploration, including over 20 FS staff who shared their stories;
- reestablishing and reinforcing understanding of treaty rights through TEK;
- Opening Ceremony and Sweat Lodge, where Jason Stark, Neil Kmiecik and Tom Maulson shared their traditions and cultural practices.

Tom Maulson has been looking into funding possibilities to start a similar camp near LDF. The tribe has purchased land and hopes to begin work this spring and encouraged other tribes to do the same.

Heather encouraged tribal leaders to spread the word of the camp at home because they are always looking to get more kids involved. Last year, there was also a winter camp at LVD. The kids make new friends and really become close, like a family. She also encouraged tribal leaders adults to come and participate and share with the kids.

Mole Lake asked that the dates of the camp be planned so as not to conflict with the Sandy Lake Ceremony in the summer, which kept many Voigt Representatives from being able to attend this past year.

Jim Zorn stated that a few tasks need to come out of this meeting. He stated that the success of the camp has been fantastic but its continuation is going to come at a cost. It has become a budgetary issue on GLIFWC's table. With possible future budget cuts it's become more critical. So far there's been a lot of sweat equity. This is part of GLIFWC's strategic plan of education outreach and youth initiatives, and the successes need to be documented so OMB and agency people continue to want to fund it. Jim Zorn would like to figure a way to keep track of the kids who went through the camp to show how they benefitted. He'd like to show that some difference has been made. The Administration has "America's Great Outdoors Initiative" and GLIFWC has been trying to find a way to get this particular camp and some of its other endeavors to fit those niches. Tom Maulson agreed and stated that the tribes have to make people believe that camps like these are viable in Indian Country.

Each community should have one and funding is essential. Jim Zorn stated that he would like to work with the Forest Service to capture the success and package it so that we can ensure its sustainability.

Tony Scardina of the Ottawa National Forest stated that he is very happy to work together and vowed not to let this camp fail. He pledged support from his staff at the Ottawa National Forest to work with GLIFWC staff to ensure that the camp continues.

2. Recent Chequamegon-Nicolet NF Enforcement Action – Communication Evaluation (**Mary King / Fred Maulson**)

Fred Maulson explained how he and Mary Rasmussen coordinate before the camping season begins by going over strategic areas of concern. His staff also does presentations on treaty rights for FS staff and summer staff to help in the understanding and concerns they may run into during the summer camping season.

Fred and Mary King discussed how coordination and communication continue to improve as evidenced by the latest law enforcement action in which GLIFWC officers participated, which occurred this past summer in the Lakewoods area, near the place where the marijuana drug bust occurred in 2010. Over 200 law enforcement officers participated. There were state, local, federal and tribal officers involved, as well as the National Guard and US Coast Guard. GLIFWC officers assisted with security and assisted the Forest Service with eradication teams to block the escape of any suspects attempting to flee the area. Roughly 8500-9000 plants were seized, as well as 150 pounds of processed marijuana, and approximately 20 different sites were under surveillance, within a dense, tornado-ravaged portion of the forest. Fred stressed that no one was hurt and the bust went well with eight arrests being made.

Also discussed was the continued need to keep law enforcement, tribal members and staff informed as soon as there is knowledge by the Forest Service that drug trafficking activities are occurring in an area. LCO was especially concerned about this due to the lack of notification the tribe received during the 2010 drug bust near their reservation.

3. Explore cross-deputization issues associated with protection of cultural sites and ancestral burial places.

A. Joint FLETC-ARPA Training - for USFS, GLIFWC, and Tribal sworn officers. (**Mary King / Fred Maulson**)

Tom Maulson discussed the possibility of working with the Forest Service on cross deputization issues for tribal officers, and commended Fred on the training his officers have received. Mary King mentioned that through the MOU with the BIA, the tribes may already have the jurisdiction needed to investigate on National Forest System land. She also discussed some potential opportunities for FLETC training being planned for next year. Mary King noted that the training listed above might be able to be brought to this area.

There was discussion of the FLETC training that Fred Maulson and his officers attended in this past September in Georgia, which was a 5-day free training opportunity that covered how the feds deter and detect activities involving human trafficking.

Jim Zorn referenced last years' minutes which listed an action item to develop a protocol and work with the Forest Service to name key contact individuals in a further effort to enhance communication. It was noted that although no formal plan exists, things are working better each year; coordination is occurring and communication went smoothly and efficiently with this years DTO activity. It was noted that this year, the project was completely run by the Forest Service and utilized the federally standardized Incident Command System.

C. Monitoring and Evaluation [MOU Section VI.D].

1. Wolf Hunting in the Ceded Territories – summary of state wolf hunting seasons and tribal response. (Jonathan Gilbert)

The State of Wisconsin's plans for a wolf season were discussed. The Forest Service was asked to think about how it could assist in protecting wolves in the ceded territory. Specifically, the Forest Service was asked to acknowledge and close to wolf hunting, and Forest Service lands within the 6 mile buffer area around the LCO reservation. It was also asked to consider the current level of depredation, the WDNR's inability to stay within its quota for other furbearer species, and the State's population goal that is based on a 15 year old plan. The Forest Service indicated that it would monitor this hunt closely and requested that LCO provide a copy of its Wolf Management Plan, including a description of the buffer area.

Depredation events and tribal concerns were discussed extensively. The Forest Service assured the tribes that they are aware of their responsibilities under the MOU and questioned whether the tribes were

asking to enter into formal consultation. Discussion followed as to whether this was necessary. The tribes asked what the Forest Service could do to help limit the kill and what consultation they were willing to engage in with the state.

The Forest Service asked to receive copies of the tribes' on-reservation management plans where they exist and also further information on the buffer zone issue to help them better understand the tribes' perspective and to see what communications with the state have taken place. Discussion followed.

2. Northern Research Station/GLIFWC Staff Report: 2010-2011 accomplishments and ongoing work, including: (Tom Schmidt / Alexandra Wrobel / Jonathan Gilbert)

a. FIA Ojibwe Ceded Territory Status Report

This report will be ready to hand out next year.

b. Birch in the Ceded Territories Status Report

c. Status of Marla's paper (Using Traditional Ecological Knowledge as a Basis for Targeted Forest Inventories: paper birch (*Betula papyrifera*) in the Upper Midwest)

Two papers were provided dealing with birch, one that discusses the method that was used to collect the data and the other that presents the results of the work. It was noted that this is important scientific research that can now be used to drive on the ground activities.

The first report provided is the report entitled Using Traditional Ecological Knowledge as a Basis for Targeted Forest Inventories: Paper Birch in the Upper Midwest. Alexandra Wrobel explained that the report was in review stage and is scheduled to be published in the *Journal of Forestry*. Staff were happy to note how TEK is being recognized in the scientific report.

The second document provided is entitled Paper Birch Resources in the Great Lakes States. This report, which is usually produced state-by-state, has been targeted for the ceded territories alone, which is helpful.

It was noted that the first paper essentially explains how the surveys were developed; that's the TEK part. The second paper is more broad and explains the results of the summaries. The tribes expressed hope

that these efforts will eventually lead to bigger and more birch trees available for harvest.

d. Other Projects of Interest

A handout was provided listing a number of projects. Of note, the Forest Service is in the process of hiring a Potawatomi member who is interested in the management of forests before Europeans arrived.

Emerald Ash Borer (EAB) was also discussed, experiments are ongoing to save black ash for basket making by submerging it to kill the larva. The Forest Service has been working with the Michigan tribes on this issue.

Also still in research is a study on lower temperatures that larvae can over-winter; however this work is not ready to be announced.

Other projects were briefly discussed.

3. GLIFWC Co-op Projects: GLIFWC studies in cooperation with Forest Service. **(Jonathan Gilbert / Alexandra Wrobel)**

a. Marten Study Update

Jonathan Gilbert provided a brief update on marten management and research, noting that this study in the Chequamegon-Nicolet forests is proceeding very well and will lead into the formation of management recommendations. He discussed the stocking program and the continuing work on habitat selection and food habits.

b. Understory Plant Project Status

Alex provided an update on this study. A recent analysis showed that the amount of data being collected is sufficient for the purpose of the study, but that there are, so far, there appears to be no statistically significant differences between logged and unlogged plots.

c. Elk Management Update

Jonathan Gilbert discussed the recent ceremonial harvest of one bull elk. It was noted that there was very good work between GLIFWC wardens and Forest Service LEOs. GLIFWC staff noted with appreciation, the positive response from the Forest Service to the hunt.

Jonathan briefly explained how the hunt was done in a celebratory manner, for a variety of reasons and then was distributed and feasted between the tribes.

LCO noted that when the DNR killed an elk during the relocation process, no press was interested in covering it, but it was a different story when the tribes decided to harvest one elk.

The Forest Service stated that from their perspective, it seems all went well with the elk hunt. The tribes and the Forest Service were in communication and under the MOU, things seemed to progress without a hitch.

There was a brief discussion on the continued need to preserve and replenish the forests, especially in regard for the tribes need of traditional medicinal plants and their access to them.

D. Natural Resource Harvest Management [MOU Section VI.C].

1. Harvest Monitoring and Exchange of Harvest Data.

a. Tribal Wild Plant and Non-timber Forest Products Gathering on National Forest Lands during 2010-2011, provided. (Alexandra Wrobel)

Alexandra Wrobel briefly summarized some highlights of the report. She noted that the number of tribal members obtaining off-reservation permits for the 2010-11 harvest season was 1692, lower than the previous season (2145) but within the range of permits for the previous six seasons. The apparent dip in the number of permits is the result of the implementation of a new on-line permitting system that started on April 1, 2011; the harvest season covered by this report was for an 8-month period (Aug 2010-March 31, 2011) rather than the normal 12-month period.

b. Non-Tribal Harvest: Report by Forest Service on Non-tribal Harvest Conducted Under General Federal Regulations, provided. (Mary Rasmussen)

Mary Rasmussen briefly summarized the results of the report which included numbers of permits issued, numbers and volume of non-tribal gathering of misc forest products in the Chequamegon-Nicolet, Ottawa, Hiawatha, and Huron-Manistee National Forests.

2. Campground Fee and Length of Stay Exemption Agreement and Implementation Plan.

Updates from Forest Service and GLIFWC staff on implementation of campground agreement during the past year:

a. Forest Service Report on Campground Usage (Mary Rasmussen)

Mary presented this report, which shows which campgrounds were used by tribes over the year, instructions for filling out permits, procedures for using fee-exempt sites and tribal campground use data gathering.

b. GLIFWC Report on Campground Usage (Alex Wrobel)

Alex presented the GLIFWC report, which shows how many camping permits were issued to tribal members in the past year. She explained the new online permit system, which uses camping “stamps”. She reviewed the number of camping stamps issued by tribe, as well as by forest. This year, there were 378 licensed campers.

c. Updated list of Fee-Exempt Campgrounds (Mary Rasmussen)

This list has not changed, as all concessionaires now honor the fee exemption agreement.

d. National Recreation Reservation System (NRRS), Campground Reservations. (Larry Heady)

Discussion centered around the need for the Forest Service to provide GLIFWC information on the process to use if tribal members want to camp in campgrounds using the reservation system. GLIFWC will then get that information out to tribal members. It was noted that the process has varied over time, and consistency is needed. It was also noted that Forest Service staff need to be trained in what to do when a tribal member calls or stops in to get a reservation.

3. Areas to be Set Aside for Live Tree Firewood Harvest – Process to Follow. (Jason Stark)

The process to be used for live trees for firewood is the same as that for live trees that would be used for any other purpose. Discussion centered on the need to have sites that have already been through the NEPA process, but also to contemplate tribal harvest when NEPA is occurring.

E. Technical Working Group (TWG) Report [MOU Section VI.A].

1. Discussion of potential assignments to TWG. (**Jonathan Gilbert**)

The TWG will collect information about biomass projection models and provide it to the parties. The potential for the TWG to address the deer habitat project was discussed, but this issue needs to be fleshed out further. Bad River and the Chequamegon-Nicolet will work together to determine whether this issue related to planned cuts (that have not yet occurred) within the watershed or something broader.

Bad River's request to discuss deer harvest and special land was discussed here. There was discussion as to how the Forest Service intends to manage sites to improve deer habitat use and whether the deer project would be considered under the special land use. Discussion included how each request needs to be looked at on a case-by-case basis.

F. National Forest Planning and Decision-Making [MOU Section VI.B].

Review of government-to-government consultation on Forest Service decisions that affected the abundance, distribution or access to the natural resources found in the National Forests. Particular discussion on:

1. Forest Service Tribal Relations Consultation Schedule (Larry Heady)

Larry provided a schedule, but noted that most consultations have been delayed until November at the earliest.

2. USFS Travel Management Rule Changes to the Travel System (Mary Rasmussen)

This is a complex and often very site specific issue. Discussion followed about the desire to treat these requests consistently across Forests and how individual road decisions fit into the larger context of the overall number of roads on a Forest. The Forest Service will pull together the existing requests, circulate and then the parties will determine whether there is a need for further discussions.

3. Ongoing Staff Discussions Regarding Mineral Exploration on Forest Service Land (Ann McCammon Soltis)

Ann provided an update on ongoing discussions with Forest Service staff about exploration activities. The Ottawa committed to providing GLIFWC with information on exploration as soon as they receive it. Discussion followed about notification of the Bergland exploration, these are the issues we are now working out and hope to have resolved.

4. Huron-Manistee Forest Plan Amendment/Status Update (**Mary Doke / Jim Thompson**)

The Huron-Manistee has been involved in a suit over its proposed wilderness and semi-primitive areas on the Forest. The Forest has always said that it would honor treaty rights, so tribes have not had a big issue with the proposal, however several landowners had sued. After the Forest Management Plan was struck down by the Sixth Circuit Court of Appeals, the Forest re-issued a record of decision that is now being appealed to the Chief of the Forest Service, whose decision is expected in November.

G. MOU Amendments, Regulatory Changes, and Self-Regulation Agreement Changes [MOU Section VI.F].

1. Status Update on Tribal and Forest Service Ratification (**Jason Stark**)

The Forest Service committed to get a letter ratifying the revised agreement out within approximately 30 days. The tribes are in the process of having the Agreement ratified by their governing bodies.
12/12/12 update: The Forest Service Ratified the amendment October 17, 2012.

VIII. REQUIRED NOTICES/PARTIES= DESIGNATED REPRESENTATIVES.

Review of housekeeping details, including update on the parties= designated representatives and keepers of the process. Updated Forest Service and tribal contact lists provided.

IX. ADDITIONAL DISCUSSION ITEMS